

DHS/DMAHS Advance Notice of Proposed Rulemaking:
Notice of Proposed Amendments: N.J.A.C. 10:53A, Hospice Services

To whom it may concern:

This notice provides you with advance notice that the New Jersey Department of Human Services intends to propose amendments to N.J.A.C. 10:53A, the Hospice Services Manual. N.J.A.C. 10:53A regulates hospice services covered by programs administered in whole or in part by the Division of Medical Assistance and Health Services (DMAHS) within the Department.

DMAHS has conducted a comprehensive review of N.J.A.C. 10:53A and identified a number of areas that need to be updated and will publish a proposed rulemaking containing amendments to the chapter that will update existing rules, delete any obsolete rules, and propose new rules to introduce new policy and/or memorialize compliance with federal requirements.

N.J.A.C. 10:53A, the Hospice Services Manual can be downloaded free of charge at <http://www.lexisnexis.com/hottopics/njcode>

Anticipated proposed amendments to N.J.A.C. 10:53A include:

- Ensuring that hospice standards and policy for the New Jersey Medicaid/NJ FamilyCare program is consistent with federal requirements;
- Adding a federally mandated requirement of face-to-face encounters when certifying the need for the provision of home health services;
- Memorializing DMAHS compliance with Section 2302 of the Affordable Care Act which allows children to seek treatment of a terminal condition while enrolled in hospice care;
- Updating the forms used by providers when certifying/recertifying the need for hospice services, and beneficiaries when electing hospice services or requesting a change in hospice providers;
- Adding new provisions related to the provision of hospice services to beneficiaries enrolled in a Dual Eligible Special Needs Plan (D-SNP);
- Deleting Level III HCPCS Codes because they are no longer recognized by the Centers for Medicare and Medicaid Services (CMS) as valid codes;
- Codifying the federal requirement that the providers obtain a National Provider Identifier (NPI) and valid taxonomy code for their provider type. Providers were notified of the federal requirement to obtain an NPI and taxonomy code via DMAHS Newsletter Volume 16, Number 18, in December 2006. The proposed amendment updates the rule to memorialize this change; and
- Non-substantial amendments which may include technical amendments to correct grammar, spelling, organization of the chapter, contact information, websites, and/or citation references in the rule text.

This advance notice provides you with an opportunity to comment on the anticipated proposed amendments to N.J.A.C. 10:53A by **May 1, 2023**.

NOTE: You will also be given a 60-day opportunity to submit formal comments on the proposed amendments subsequent to its publication in the New Jersey Register. This office will notify you of the exact date of publication and the due date for submission of formal comments once the New Jersey Office of Administrative Law confirms the date of publication.

Please send any comments that you have regarding the anticipated amendments to N.J.A.C. 10:53A to:

Margaret M. Rose
Attn: N.J.A.C. 10:53A Advance Notice
Division of Medical Assistance and Health Services
Office of Legal and Regulatory Affairs
Mail Code #26
P.O. Box 712
Trenton, NJ 08625-0712
Fax: (609) 588-7343
Email: Margaret.Rose@dhs.nj.gov
Delivery: 6 Quakerbridge Plaza
Mercerville, NJ 08619

General feedback or comments on any Medicaid/NJ FamilyCare rule or program is always welcome and can be submitted in the manner described above for consideration and possible inclusion in future rulemakings.

Thank you for your interest in the New Jersey Medicaid/NJ FamilyCare program.